REMARKS

Applicants have thoroughly considered the Final Office action mailed July 18, 2006. By this Amendment D, claims 1, 27, and 38 have been amended to more clearly set forth the invention without assert new matter to the amended claims. Favorable reconsideration of the application as amended is respectfully requested. Applicants thank the Examiner for withdrawing the rejection of claims 40-41 under 35 U.S.C. §112.

Claim Rejection under 35 U.S.C. §102(b)

Claims 1 to 16, 27 to 34, and 36 to 42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Albright, U.S. Patent Application No. 6,110,228 ("Albright"). Applicants respectfully submit that the Albright patent fails to anticipate each and every element of the claimed invention because claimed embodiments of the invention disclose an update or a servicing of an operating system or application program **initiated from the installation media and automatically identifying the update content independent of user interaction**, as opposed to being in response to a user selection from a customer selection menu. (See Albright, col. 6, lines 9, and FIGS. 3 and 4).

Amended claim 1 recites, in part, " dynamically **and automatically** updating, **independent of user interaction**, an operating system component prior to installation of the operating system component on at least one destination machine, said method further comprising: identifying update content related to the operating system component, initiated from one or more installation media, before installing the operating system component on the destination machine from the one or more installation media...; **specifying a key in a registry to automate installation of the updated operating system component**; and installing the updated operating system component on the destination machine **according to the specified key**".

As previously presented, the claimed features of the present invention are directed to **automatically and dynamically** obtaining update content for installing an updated operating system and applying the obtained update content to the operating system prior to installation of the operating system or the application program. In addition, the process of dynamically obtaining update content is initiated by the installation media and **the update content is obtained independent of user interaction**.

For example, the operating system stored on an installation media (e.g., a CD-ROM disk) is to be installed on a destination machine which does not yet include an operating system. A user may desire to install a version of the operating system stored on a CD-ROM to a computer. In this example, before installing the operating system and due to the initiation from the installation media, the computer requests update content for the operating system or for any aspects relating to the installation of the operating system **independent of user interaction**. The update content for the operating system is dynamically identified and automatically obtained by the computer from one or more update media prior to installation of the operating system. In this manner, there is no user interaction in selecting various types of update content. In addition, the update content is specific to the operating system and the destination computer because the update content is identified automatically for the destination computer,. (See also Application, paragraph [0038]).

To the contrary, the Albright patent teaches away from the present invention by disclosing that a service, such as updating or "bug" fixing, of an operating system or an application program is performed in response to a customer's selection of service request items. For example, FIG. 4 illustrates a menu screen listing one or more selection options for the customer (see also FIG. 3, box 80 "DISPLAY AN ENTER SCREEN WITH MENU OF OPTIONS"). In other words, the Albright patent discloses an update system that requires user interaction in selecting the update options. Embodiments of the invention eliminate this user interaction process by automatically identifying dynamic update content for the user such that the appropriate update content is identified and is specific to the operating system and/or the destination computer before installing the operating system on the destination machine.

Applicants also disagree with the Office action's response that the process of automatic and dynamic update is taught by the Albright patent (Office action, pages 12-14). While the Albright patent defines a customer to include "a workstation user, a microcomputer terminal or an information system support facility" (col. 1, lines 14-16) or processing units (col. 5, line 55), the identification of update content is solely based on what the "user" specifies (see col. 6, line 6-9), disclosing that "the front end provides a customer-friendly interface that is common across all operating systems and remote location programs supported by the service facility and comprises the means by which **the user specifies desired search research, service application, and installation** as well as report formats" (emphasis added)).

Applicants note that even though various locations in the Albright patent include languages such as "customer can select", or "customer initiates" (Albright patent, col. 6, line 47, and abstract, respectively), Applicants assert that these references continue to fail to disclose an automatic and dynamic update process because the Albright patent provides a validation process to verify that the customer menu selection is valid (col. 6, lines 58-60). The Albright patent further discloses that "the configuration of the computer programs of each remote location, as well as the computer configuration of each remote location itself, is maintained in data storage at the central site 16" (col. 5, lines 12-16). Nowhere does the Albright patent disclose an automatic or dynamic updating feature that would bypass the user interaction.

In addition, amended claim 1 recites the limitation incorporated from dependent claim 15 to further clarify the invention for the automated installation of the operating system component. Applicants disagree with the Office action (Office action, page 10) in that the Albright patent fails to disclose automated installation of the operating system component based on the dynamically and automatically identified update content on col. 2, lines 47-53 because the Albright patent relies on the data storage at the central site in knowing the configuration of the customer at the remote location. Therefore, the Albright patent cannot anticipate the each and every element of amended claim 1.

Therefore, Applicants submit that the Albright patent fails to disclose or suggest each and every element of amended claim 1. Claims 2 to 16 and 40 to 42 depend from claim 1 and include additional features to claim 1. Therefore, claims 2 to 16 and 40 to 42 are also patentable over the Albright patent. Hence, the rejection of claims 1 to 16 and 40 to 42 under 35 U.S.C. §102(b) should be removed.

Similarly, amended claim 27 recites, in part, "a publishing component for initiating the dynamic update of the operating system by **automatically** identifying, **independent of user interaction**, update content related to the operating system stored on the installation medium before installing the operating system...; an updating component on the destination machine for **automatically** applying the obtained update content...; and an installation component for **automatically** installing the updated operating system obtained by the updating component on the destination machine." The Albright patent specifically teaches away from the claimed invention by discussing the need for the user to identify or request service options via the

"ENTER" menu illustrated on FIG. 4 to the **installed** application program before installing the updates. Therefore, Applicants submit that amended claim 27 is patentable over the cited reference. Claims 28 to 37 depend from claim 27 and recite additional features. Therefore, claims 28 to 37 are also distinguishable over the cited art. Hence, Applicants request the rejection of claims 27 to 37 under 35 U.S.C. §102(b) be withdrawn.
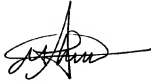
Also, amended claim 38 recites, in particular, a system comprises "means for dynamically **and automatically** updating **independent of user interaction** an application program prior to installation on at least one destination machine...". The Albright patent not only teaches away from the claimed invention by discussing the need for the user to select one or more menu selection options from a menu shown in FIG. 4, but also that the request is made after the application program or the operating system is already installed in the customer's or user's computer. Also, the update content is also dependent upon and in response to the selection from the "ENTER" menu shown in FIG. 4. Therefore, claim 38 as amended is patentable over the cited art, and claim 39, which depends from claim 38, is also patentable over the cited art. As such, Applicants request that the rejection of claims 38 and 39 under 35 U.S.C. §102(b) be withdrawn.

For at least the reasons noted above, Applicants respectfully submit that claims 1-16 and 27-42 are in condition for allowance and respectfully requests favorable reconsideration of this application. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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